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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: Karl W. Schakel
Serial Number: 10/612,321
Filed: July 1, 2003
Title: Health Enhancement Method
TC/A.U: 1651
Examiner: Deborah K. Ware
Attorney Docket: Schakel-NonProv
Customer No.: 33549

REQUEST FOR RECONSIDERATION,
WITH AMENDMENT, UNDER 37 C.F.R. § 1.116

I. INTRODUCTORY REMARKS

This request for reconsideration is in response to the Examiner's Final Office Action mailed November 2, 2006. In that office action, the Examiner expressed concern under 35 USC §103 as to claims 1-4, 6-12, 14-18, 20-26 and 28-30, as based on US Pat. No. 6,949,264 (hereinafter referred to as the *McGrew et al.* patent) in view of US Pat. No. 6,506,413 (hereinafter referred to as the *Ramackers* patent), US Pat. No. 5,536,523 (hereinafter referred to as the *Hart* patent), and US Pat. No. 7,005,513 (hereinafter referred to as the *Yura et al.* patent). The Applicants believe all concerns are addressed herein and indicate that all claims remaining in the case are in condition for allowance. The Applicants requests that the Office amend the specification and claims as indicated below and reconsider the application at its earliest convenience.

The Applicant would also like to remind the examiner that permission for this "after final" reply was granted in a February 27, 2007 telephone interview with Examiners Ware and Naff. As a brief recap, in that interview, the Applicant's representative, Al Wiedmann Jr., explained that the McGrew patent, a reference on which the examiner was relying in the final office action for disclosure of certain Heritage Health Products Co. products that appear in the claims, does not in fact

disclose any products associated with Heritage Health Products Co. because the Heritage Consumer Products, LLC and Heritage Consumer Products Co. mentioned in the McGrew patent are entirely different companies from Heritage Health Products Co. In this regard, as explained below, reference is made to Exhibits A and B, both hereby incorporated herein. At the conclusion of the interview, the examiners made preliminary indications that, given the fact that the McGrew reference does not disclose the company that makes the products appearing in the claims, the amended claims should be allowable (also pending the outcome of a patentability conference). It is noted that the Office prepared an Interview Summary relative to the 27 February 2007 interview, signed by Examiner Ware. The amendments suggested in that interview have been made in this reply to office action.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks begin on page 15 of this paper.

Conclusions begin on page 17 of this paper